

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

THIS DOCUMENT RELATES TO:

Lynas Rude (0:17-cv-04009-JNE-DTS)
Randy Pine (0:17-cv-04777-JNE-DTS)
Ina Brown (0:17-cv-04778-JNE-DTS)
Karen Potter (0:17-cv-04881-JNE-DTS)
Mark McEvoy (0:17-cv-04885-JNE-DTS)
Alan Hardy (0:17-cv-05261-JNE-DTS)
Janice Taplin (0:17-cv-05370-JNE-DTS)
Anne Bresnock (0:17-cv-05371-JNE-DTS)
Bertha Swales (0:18-cv-00045-JNE-DTS)

**DECLARATION OF DANIEL C. BURKE IN SUPPORT OF PLAINTIFF'S
RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Daniel C. Burke, declare as follows:

1. I am an attorney at Bernstein Liebhard LLP, counsel of record for Plaintiffs in the above-captioned matter.
2. I submit this declaration in opposition to Defendants' Motion to Dismiss for Failure to Comply with the Pretrial Order No. 14.
3. Plaintiff Lynas Rude's Plaintiff's Fact Sheet ("PFS") was served upon Defendants on December 18, 2007.

4. Plaintiff Lynas Rude's first amended PFS was served upon Defendants on February 20, 2018.
5. Plaintiff Lynas Rude's second amended PFS was served upon Defendants on April 8, 2018.
6. Plaintiff Lynas Rude's third amended PFS was served upon Defendants on August 2, 2018.
7. Plaintiff Randy Pine's PFS was served upon Defendants on February 12, 2018.
8. Plaintiff Randy Pine's first amended PFS was served upon Defendants on April 8, 2018.
9. Plaintiff Randy Pine's second amended PFS was served upon Defendants on August 7, 2018.
10. Plaintiff Ina Brown's PFS was served upon Defendants on March 21, 2018.
11. Plaintiff Ina Brown's first amended PFS was served upon Defendants on August 7, 2018.
12. Plaintiff Karen Potter's PFS was served upon Defendants on April 10, 2018.
13. Plaintiff Karen Potter's first amended PFS was served upon Defendants on August 7, 2018.
14. Plaintiff Mark McEvoy's PFS was served upon Defendants on April 8, 2018.
15. Plaintiff Mark McEvoy's first amended PFS was served upon Defendants on August 7, 2018.
16. Plaintiff Alan Hardy's PFS was served upon Defendants on March 21, 2018.

17. Plaintiff Alan Hardy's first amended PFS was served upon Defendants on August 7, 2018.
18. Plaintiff Janice Taplin's PFS was served upon Defendants on April 8, 2018.
19. Plaintiff Janice Taplin's first amended PFS was served upon Defendants on August 7, 2018.
20. Plaintiff Anne Bresnock's PFS was served upon Defendants on April 8, 2018.
21. Plaintiff Anne Bresnock's first amended PFS was served upon Defendants on August 7, 2018.
22. Plaintiff Bertha Swales' PFS was served upon Defendants on April 8, 2018.
23. Plaintiff Bertha Swales' first amended PFS was served upon Defendants on August 7, 2018.
24. The undersigned contacted the counsel for Defendants, Ted Hartman, Esq., on August 7, 2018 and August 9, 2018.
25. Despite Plaintiffs' effort to cure the alleged deficiencies, Mr. Hartman indicated that Defendants will not agree to withdraw their Motion against the Plaintiffs.

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing is true and correct.

DATED: August 9, 2018

/s/ Daniel C. Burke
Daniel C. Burke